

Species, Suite 1100, 1612 K Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Endangered Species Act of 1973 requires the Secretary of the Interior to determine whether a species is endangered or threatened on the basis of the best scientific or commercial data available. The earlier (1966 and 1969) endangered species laws required similar consideration. Data on the Tecopa pupfish available in 1970 indicated that it was endangered by habitat alteration and introduction of exotic fishes. It was added to the list of endangered species in 1970. It was also listed by California as endangered in their State Fish and Game publication "At the Crossroads."

The first status survey of the Tecopa pupfish, after it was listed as endangered by the Service, was conducted in 1972. Dr. Robert R. Miller of the University of Michigan, who discovered and described the pupfish in 1948, reported the results of the survey at the Desert Fishes Council meeting in November of 1972. His report indicated that their efforts to locate populations of the Tecopa pupfish in the vicinity of Tecopa in 1972 were unsuccessful. Examination of the pupfish habitat by biologists from California and Nevada between 1972 and 1976 revealed the presence of exotic fishes but no Tecopa pupfish. In 1977 California conducted a survey of the aquatic habitats of the Tecopa and Shoshone area of the Death Valley system to determine the status of fishes and invertebrate populations. All evidence from this survey indicates that the Tecopa pupfish is extinct throughout its former range. It was hoped that the survey might reveal the presence of additional populations of the Tecopa pupfish in adjacent areas. However, no populations were found.

The Shoshone pupfish, *Cyprinodon nevadensis shoshone*, was included in the status undetermined category in the Fish and Wildlife Service's 1973 edition of the Redbook on Threatened Wildlife of the United States. Attempts by several biologists to locate populations of the Shoshone pupfish between 1973 and 1977 were not successful. The Shoshone pupfish habitat was included in California's 1977 survey. The results of the 1977 study indicate that the Shoshone pupfish is extinct. Although it is not on the U.S. List of Endangered and Threatened

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Deregulation of the Tecopa Pupfish

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes that the Tecopa pupfish (*Cyprinodon nevadensis calidae*), presently determined as endangered in California, be removed from the U.S. List of Endangered and Threatened Wildlife and Plants. A detailed field survey of the Tecopa Hot Springs and other aquatic habitats in the southern portion of the Amargosa River drainage failed to reveal the presence of the Tecopa pupfish. Other biologists who have studied the fishes in this area have also reported the absence of the Tecopa pupfish.

This proposal reflects a determination by the Service that the Tecopa pupfish is extinct. This proposal, if finalized, would remove the Tecopa pupfish from the endangered species list, thus removing it from further consideration under the provisions of the Endangered Species Act.

DATES: Comments from the public must be received by September 1, 1978. Comments from the Governor of California must be received by October 1, 1978.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received or already on file will be available for public inspection during normal business hours at the Service's Office of Endangered

PROPOSED RULES

Species, it will be removed from further consideration for protection under the Endangered Species Act of 1973.

EFFECTS OF THE RULEMAKING

If this proposed action becomes final, it will correct what is an unnecessary and erroneous classification of the Tecopa pupfish under the act. The Tecopa pupfish, if removed from the List of Endangered and Threatened Wildlife and Plants, would no longer be afforded any protection or benefits under the Endangered Species Act of 1973.

PUBLIC COMMENTS SOLICITED

The Director desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific community, or any other interested party on this pro-

posed rule. Final promulgation of any regulations will take into consideration the comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations that differ from this proposal.

NATIONAL ENVIRONMENTAL POLICY ACT

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the environment as defined by section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this document is Dr. James D. Williams, Office of Endangered Species, 202-343-7814.

SENATE REGULATION PROMULGATION

Accordingly, it is hereby proposed to amend part 17, subpart B, title 50 of the code of Federal Regulations as set forth below:

Amend section 17.11 by deleting the Tecopa pupfish (*Cyprinodon nevadensis calidae*) from the List of Endangered and Threatened Wildlife and Plants.

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: June 26, 1978.

LYNN A. GREENWALT,

Director,
Fish and Wildlife Service.

[FR Doc. 78-18303 Filed 6-30-78; 8:45 am]